

HOUSE BILL No. 1590

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2-73.5; IC 12-23.

Synopsis: Participation in court drug and alcohol services programs. Allows a court that provides alcohol and drug services programs and a drug court to permit a person to participate in the court's program if the person is nonviolent, unlawfully possesses legend drugs or controlled substances, and submits to the court's jurisdiction by: (1) agreeing not to abuse legend drugs or controlled substances; (2) surrendering all legend drugs or controlled substances in the individual's possession to the court; and (3) agreeing that if the individual does not successfully complete the program, the individual may be prosecuted. Modifies the definition of "drug court" to include individuals not charged with a crime.

Effective: July 1, 2009.

Stilwell

January 16, 2009, read first time and referred to Committee on Judiciary.

C
o
p
y



Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1590

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-7-2-73.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 73.5. (a) "Drug court",
3 for purposes of IC 12-23-14.5, means an immediate and a highly
4 structured judicial intervention process for substance abuse treatment
5 of eligible **individuals**, defendants, or juveniles that:

6 (1) brings together substance abuse professionals, local social
7 programs, and intensive judicial monitoring; and

8 (2) follows the ten (10) key components of drug courts published
9 by the Drug Court Program Office of the United States
10 Department of Justice.

11 (b) The term does not include an alcohol abuse deterrent program
12 established under IC 9-30-9.

13 SECTION 2. IC 12-23-14-5, AS AMENDED BY P.L.192-2007,
14 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2009]: Sec. 5. The court may agree to provide the services and
16 facilities of a program for individuals:

17 (1) referred from another court, a probation department, the

2009

IN 1590—LS 7515/DI 107+



C
o
p
y

department of correction, the Federal Bureau of Prisons, the division, the prosecuting attorney's office, or pretrial services; or

(2) who:

(A) the court determines are nonviolent;

(B) unlawfully possess legend drugs or controlled substances; and

(C) submit to the court's jurisdiction by:

(i) agreeing not to abuse any legend drugs or controlled substances;

(ii) surrendering all illegally possessed legend drugs or controlled substances in the individual's possession to the court; and

(iii) agreeing that if the individual does not complete the program successfully, the individual may be dismissed from the program and prosecuted for possession of the illegally possessed legend drugs or controlled substances that the individual surrenders to the court.

SECTION 3. IC 12-23-14.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) Except as provided in ~~subsection~~ **subsections (b) and (c)**, a drug court established under this chapter and accompanying services are open only to individuals over whom the court that established the drug court has jurisdiction.

(b) A drug court that does not otherwise have felony jurisdiction may accept an eligible individual who is referred to the drug court from another court within the county if the following criteria are met:

(1) The drug court returns the case to the court that made the referral for appropriate proceedings when the person has successfully completed drug court or the person's participation in the drug court has been terminated.

(2) If the drug court is a city or town court, the person selected as judge for the court is required to be an attorney under IC 33-35-5-7.

(c) A drug court may accept an individual who:

(1) the court determines is nonviolent;

(2) unlawfully possesses legend drugs or controlled substances; and

(3) submits to the court's jurisdiction by:

(A) agreeing not to abuse any legend drugs or controlled substances;

(B) surrendering all illegally possessed legend drugs or controlled substances in the individual's possession to the

**C
o
p
y**



1 court; and
2 (C) agreeing that if the individual does not complete the
3 drug court's program successfully, the individual may be
4 dismissed from the program and prosecuted for possession
5 of the illegally possessed legend drugs or controlled
6 substances that the individual surrenders to the court.

**C
o
p
y**

